

**TITLE 16**  
**Liquid and Industrial Waste Disposal**

This title was most recently updated by the following ordinance:

<b>Ordinance No.</b>	<b>Subject</b>	<b>Effective Date</b>	<b>Code Site</b>
5340	Wastewater Discharge Standards	January 6, 2005	Section 16.02.040

## TITLE 16

### LIQUID AND INDUSTRIAL WASTE DISPOSAL

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#### Chapter 16.02

#### GENERAL PROVISIONS

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#### **16.02.010 Purpose.**

The purpose of this Title is to protect the waters of the State; provide against pollution of streams, creeks and storm drains; control and regulate discharges to storm drains; and to control and regulate all discharges of waste or wastewater directly or indirectly into the sewerage system and treatment and disposal works of the City of Santa Barbara. (Ord. 5087, 1998; Ord. 4589, 1989; Ord. 3883 §1, 1977.)

#### **16.02.020 Scope; Conflict with Other Provisions of Code.**

A. GENERAL APPLICABILITY. This Title establishes rules, regulations and standards for the elimination of pollutants and governing the quality and quantity of discharged wastes, the degree of waste pre-treatment required, the issuance of wastewater discharge permits, the assessment of fees and charges, and the imposition of penalties for violation of this Title. Subject to the exception of subsection B hereof, the provisions of this Title shall apply to all discharges, directly or indirectly into the ocean, the creeks, lagoons, storm drains and other waters of the State, and to all discharges of wastes and wastewater directly or indirectly into any Sewer or Publicly Owned Treatment Works of the City of Santa Barbara. To the extent that the provisions of this Title are in conflict with any other provisions of this Code, this Title shall prevail. It is not intended, however, that this Title shall operate to repeal any other provisions of this Code or to relieve any responsibility or liability imposed by or incurred under any other provision of this Code.

B. AIRPORT DISCHARGE REGULATIONS. The provisions of this Title that control discharges into the sewer or Publicly Owned Treatment Works of the City of Santa Barbara shall not apply to discharges of wastes and wastewater into a wastewater treatment system for those areas of the City that are provided sewer service by the Goleta Sanitary District (primarily the City Airport). Rules, regulations and standards governing the quality and quantity of discharged wastes, the degree of required pretreatment, the issuance of wastewater discharge permits, the assessment of fees and charges for discharge into the Goleta Sanitary District treatment or wastewater system, and the enforcement of applicable ordinances, rules and regulations for the Goleta Sanitary District shall be determined by the Goleta Sanitary District and as described in Ordinances of the Goleta Sanitary District as presently enacted or hereinafter amended. (Ord. 5087, 1998; Ord. 4773, 1992; Ord. 4589, 1989; Ord. 3883 §1, 1977.)

#### **16.02.030 Policy.**

A. The City of Santa Barbara protects the health, welfare and safety of its residents by constructing, operating and maintaining a system of local sewers, pump stations, trunk sewers and interceptors, and liquid Waste treatment and disposal facilities that serve homes, industries, commercial establishments and institutional facilities throughout the City and surrounding area, in accordance with the requirements of State and Federal law.

B. The following policies apply to all sewage and liquid and industrial Waste discharged directly or indirectly into the sewerage system and treatment and disposal works of the City.

1. Sewage and liquid and industrial Waste will be accepted into the City sewerage system, provided their acceptance will not: (1) threaten or endanger public health, (2) detrimentally affect the environment, (3) create Nuisances such as odors, insects, etc., (4) damage structures, (5) impose excessive or unnecessary collection, treatment or disposal costs on the City, (6) significantly interfere with Wastewater collection or treatment processes, (7) interfere with Wastewater reclamation processes, (8) exceed quality limits and quantity requirements set forth in this Title or other Applicable Regulations, or (9) cause the Agency to violate its NPDES Permit.

2. The highest and best use of the sewerage system is the collection, treatment and reclamation or disposal of domestic and industrial sewage.

3. Industrial users are urged to meet the limitations on discharges of industrial Waste and Wastewater through the development and use of recovery and reuse procedures rather than procedures designed solely to meet discharge limitations.

4. The City is committed to a policy of Wastewater renovation and reuse designed to provide an additional source of water supply and to reduce overall costs of Wastewater treatment and disposal. As the demand for reclaimed water increases, the renovation of Wastewater through Wastewater treatment processes may necessitate more stringent quality requirements on discharges of industrial Waste.

5. Optimum use of City facilities may require scheduling the discharge of certain wastewaters during periods of low flow in the sewerage system as established by the Public Works Director.

6. Provisions are made in this Title to regulate industrial and other Waste discharges, to comply with applicable State and Federal government requirements and policies regarding discharges of Wastes and Wastewaters to City sewers and publicly owned treatment facilities, and to meet increasingly higher standards regarding treatment plant effluent quality and related environmental considerations. This Title establishes quantity and quality limitations on sewage, liquid Waste and industrial Waste discharges where such Discharges may adversely affect the sewerage system or the effluent quality. Methods of cost recovery are also established where industrial Waste discharges impose on the City additional, unnecessary or unreasonable collection, treatment, monitoring or disposal costs. Fees and charges for issuance of permits and fines for violations of the provisions of this Title, shall be established by resolution of the City Council. (Ord. 4589, 1989; Ord. 3883 §1, 1977.)

#### **16.02.040 Definitions.**

Unless otherwise defined herein, terms shall be as adopted in the most recent edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation. Waste constituents and characteristics shall be measured in accordance with the procedures established by the Administrator under Section 304(h) of the Clean Water Act, and as set forth in detail in methods promulgated or approved pursuant to 40 CFR 136 (Code of Federal Regulations, Title 40, Protection of the Environment; Chapter 1, EPA; Part 136, Test Procedures for the Analysis of Pollutants). Methods for sampling and analysis of Wastewater may deviate from these regulations only when Part 136 fails to address sampling or analytical techniques for a particular pollutant or when alternative methods of analysis have been approved by the Administrator as equivalent procedures. Unless the context requires a different meaning, the following words are defined as follows:

A. **ADMINISTRATOR.** The EPA Administrator or his or her designee.

B. **AGENCY.** The City of Santa Barbara.

C. **APPLICABLE REGULATION(S)** means all City, State and Federal regulations, rules, laws and codes as they apply to Discharges by Users to, on or in the POTW and/or any Community Sewer.

D. **BATCH DUMP or BATCH DISCHARGE.** The discharge of concentrated Non-compatible Pollutants of a quality or in a manner or method which does not comply with this ordinance or other applicable State or federal laws and regulations.

E. **BUILDING SEWER.** A Sewer conveying Wastewater from the Premises of a User to a Community Sewer.

F. **BENEFICIAL USES.** Any and all use of the waters of the State that are protected against quality degradation, including but not limited to domestic, municipal, and agricultural use, use for industrial supply, power generation, recreation, aesthetic enjoyment, or navigation, use for the preservation and enhancement of fish, wildlife and other aquatic resources or reserves, and other beneficial uses, tangible and intangible, as specified by Federal or State law or other Applicable Regulations.

G. **CATEGORICAL PRETREATMENT STANDARD.** Those standards promulgated by the EPA in accordance with 40 CFR 403.3(j) and Section 307(b) and (c) of the Act (33 USC Section 1347) which apply to any specific category of industrial User.

H. **CITY.** City of Santa Barbara.

I. **COMMUNITY SEWER or SEWER.** A Sewer owned and operated by the City or other public agency and tributary to any Wastewater treatment facility operated by the City.

J. **COMPATIBLE POLLUTANT.** Biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria. Compatible Pollutants are non-compatible when discharged in quantities that have an adverse effect on the City's collection system, treatment plant or NPDES Permit.

K. **CONTAMINATION.** An impairment of the quality of the Waters of the State by Waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease. Contamination shall include any equivalent effect resulting from the disposal of Wastewater, whether or not Waters of the State are affected.

L. **DISCHARGE.** Any threatened or actual spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, disposing or releasing of any Waste or Wastewater to, on or in the POTW or any Community Sewer.

M. **DOMESTIC WASTEWATER.** Liquid Wastes (a) from the noncommercial preparation, cooking, and handling of food; or (b) containing human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities and institutions and as are distinct from industrial Wastes.

N. **EPA.** The United States Environmental Protection Agency or any successor agency thereto.

O. **FEDERAL ACT.** The Federal Water Pollution Control Act, PL 92-500, also known as the Clean Water Act, codified as amended at 33 USC Section 1251 et seq., and any amendments thereto; as well as any guidelines, limitations and standards promulgated by the Environmental Protection Agency pursuant to the Act.

P. **FOOD ESTABLISHMENT.** Any restaurant, kitchen or other similar facility, whether or not operated commercially or for profit, which is required by the County of Santa Barbara to have a permit for the preparation or provision of food for human consumption.

Q. **HOLDING TANK WASTE.** Any Waste discharged from a holding tank, including but not limited to vessels, chemical toilets, recreational vehicles, septic tanks, and vacuum pump tank trucks.

R. **INCOMPATIBLE POLLUTANT or NON-COMPATIBLE POLLUTANT.** Any pollutant which is not a Compatible Pollutant as defined in this Section. Incompatible Pollutants shall be regulated by applicable pretreatment standards, as set forth in this Title.

S. **INDUSTRIAL WASTEWATER.** All water-carried Wastes, excluding Domestic Wastewater, resulting from the processing or manufacture of goods or products.

T. **INFECTIOUS WASTES.**

1. Laboratory and surgical operating room Wastes, except recognizable portions of the human anatomy.

2. Wastes from outpatient areas and emergency rooms similar to those included in (1) above.

3. Equipment, instruments, utensils and other materials of a disposable nature that may harbor or transmit pathogenic organisms and that are used in the rooms of patients having a suspected or diagnosed communicable disease which by the nature of the disease is required to be isolated by Public Health Agencies.

4. Materials which are likely to transmit etiological agents which cause or significantly contribute to the cause of increased morbidity or mortality of human beings, or as set forth in Health and Safety Code Section 25117.5.

U. **INTERFERENCE.** Any Discharge which alone or in conjunction with Discharges from other sources inhibits or disrupts the POTW's treatment processes or operations or the processing, use or disposal of sludge by the POTW; or which causes a violation of the City's NPDES Permit or prevents lawful sludge disposal or use.

V. **LEL or LOWER EXPLOSIVE LIMIT.** The minimum concentration of a combustible gas or vapor (usually expressed in percent by volume at sea level) which will ignite if an ignition source (sufficient ignition energy) is present.

W. **MASS EMISSION RATE.** The weight of material discharged to the Sewer system during a given time interval. Unless otherwise specified, the Mass Emission Rate shall mean pounds per day of a particular constituent or combination of constituents.

X. **NEW SOURCE.** Any source from which there is or may be a Discharge of pollutants, the construction of which source is commenced after the publication of applicable Discharge limitations including standards or changes in regulations promulgated by the EPA in accordance with 40 CFR 403.3(j) and Section 307(b) and (c) of the Act (33 USC Section 1347), and which applies to a specific category of industrial User.

Y. **NPDES PERMIT or NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT.** The permit issued to control Discharges from the POTW to waters of the United States.

Z. **NUISANCE.** Anything which is injurious to health or is indecent or offensive to the senses or an obstruction to the free use of property so as to interfere with the comfort or enjoyment of life or property or which affects at the same time an entire community or neighborhood or any considerable number of Persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

AA. **PASS THROUGH.** Any Discharge through the City's facilities to navigable waters which, alone or in conjunction with Discharges from other sources, causes a violation of the City's NPDES Permit or any applicable regulation.

BB. **PATTERN OF NON-COMPLIANCE.** (1) Six or more Discharges during a twelve-month period, at least thirty-three percent (33%) of which contain the same Non-Compatible Pollutant in a concentration which exceeds the amount allowed by any Applicable Regulation; or (2) the failure of a User on three or more occasions within a twelve-month period to file timely any report or other document required to be filed by the User pursuant to any Applicable Regulation.

CC. **PERSON.** Any individual, partnership, firm, association, corporation or public agency, including but not limited to any User.

DD. **POLLUTION.** An alteration of the quality of the Waters of the State by Waste to a degree which unreasonably affects or impairs such waters for beneficial use or facilities which serve such Beneficial Uses. Pollution may include Contamination.

EE. **POTW or PUBLICLY OWNED TREATMENT WORKS.** All collection, transport and treatment facilities used by the Agency for the collection, treatment or disposal of Wastewater.

FF. **PREMISES.** Any land, including any improvements or structures thereon, which is owned, used, occupied, leased or operated by a User and from or on which Discharges occur or Wastewater is created.

GG. **PUBLIC WORKS DIRECTOR.** The Director of Public Works for the City of Santa Barbara or his or her designated representative.

HH. **SIGNIFICANT INDUSTRIAL USER.** Any User who discharges more than 10,000 gpd, or is regulated under federal categorical standards, or has the capability to affect deleteriously the POTW, or contributes greater than 5% of the POTW's hydraulic or organic loading at any time.

II. **SIGNIFICANT NON-COMPLIANCE.** Any action or conduct by a User which constitutes a violation of any Applicable Regulation and which consists of one or more of the following:

1. Sixty-six percent (66%) or more of all of the Discharge samples collected during a six-month period exceed the maximum or average limit for the same pollutant as such limit is provided for by an Applicable Regulation;

2. Thirty-three percent (33%) or more of all of the Discharge samples collected during a six-month period contain the same pollutant in a concentration that exceeds the TRC for that pollutant;

3. Any other violation of a pretreatment effluent limit (daily maximum or longer term average) which, alone or in combination with other Discharges, causes Interference or Pass Through, or endangers the health of POTW personnel or the general public;

4. Any discharge of a pollutant that causes imminent danger to human health or welfare or to the environment and results in the POTW's exercise of its emergency authority to halt or prevent the Discharge;

5. Any violation ninety (90) days or more after the compliance schedule date of a compliance schedule milestone, which milestone is contained in a local control mechanism or enforcement order for starting construction or completing construction or attaining final compliance;

6. Any failure to provide to the Agency within thirty (30) days of the date required any report required by any Applicable Regulation, including but not limited to, any baseline monitoring, 90-day compliance, or periodic self-monitoring reports, and any report describing or discussing compliance with compliance schedules;

7. Any failure to accurately report non-compliance.

JJ. **SIGNIFICANT VIOLATION.** Except as this term may otherwise be defined by EPA or Title 40 of the Code of Federal Regulations, any act or conduct by a User which constitutes a violation of any Applicable Regulation and which:

1. Remains uncorrected forty-five (45) days after notification of non-compliance with any Applicable Regulation;

2. Is part of a Pattern of Non-Compliance with any Applicable Regulation;

3. Occurs as a result of or in conjunction with a failure accurately to report non-compliance with any Applicable Regulation; or

4. Results in the POTW exercising its emergency authority under 40 CFR 403.8(f)(1)(vi)(B).

KK. **STATE.** The State of California, including any department or agency thereof.

LL. **TRC or TECHNICAL REVIEW CRITERIA.** (a) 1.4 times the applicable limit for BOD, TSS, oil, grease and fats or (b) 1.2 times the applicable limit for any other Non-Compatible Pollutant, except pH.

MM. **UNPOLLUTED WATER.** Water to which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable to the Agency having jurisdiction thereof for disposal to storm or natural drainages or directly to surface waters.

NN. **USER.** Any Person who causes or permits a Discharge from any Premises used, in whole or in part and whether intermittently or continuously, for any commercial, industrial, manufacturing, or institutional purpose.

OO. **USER CLASSIFICATION.** A classification of User based on the 1972 edition of the Standard Industrial Classification (SIC) Manual prepared by the Executive Office of Management and Budget.

PP. **WASTE.** Sewage and any and all other Waste substances, liquid, solid, gaseous or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing or processing operation of whatever nature, including such Waste placed within containers of whatever nature prior to, and for purposes of, disposal.

QQ. **WASTEWATER.** Waste and water, whether treated or untreated, discharged into or permitted to enter a Community Sewer.

RR. **WASTEWATER CONSTITUENTS AND CHARACTERISTICS.** The individual chemical, physical, bacteriological and radiological parameters, including volume and flow rate and such other parameters, that serve to define, classify or measure the contents, quality, quantity and strength of Wastewater.

SS. **WATERS OF THE STATE.** Any water, surface or underground, including saline waters within the boundaries of the State. (Ord. 5340, 2004; Ord. 4589, 1989; Ord. 4269, 1984; Ord. 3883 §1, 1977.)

## Chapter 16.04

### REGULATIONS

#### Sections:

<b>16.04.010</b>	<b>General Prohibitions on Discharges.</b>	<b>16.04.070</b>	<b>Requirement for Installation of Sampling Box.</b>
<b>16.04.020</b>	<b>Prohibitions on Storm Drainage and Ground Water.</b>	<b>16.04.080</b>	<b>Limitations on Point of Discharge.</b>
<b>16.04.030</b>	<b>Prohibition on Unpolluted Water.</b>	<b>16.04.090</b>	<b>Holding Tank Waste.</b>
<b>16.04.040</b>	<b>Limitations on Radioactive Wastes.</b>	<b>16.04.100</b>	<b>Local Limitations on Wastewater Strength.</b>
<b>16.04.050</b>	<b>Limitations on the Use of Commercial Garbage Grinders.</b>	<b>16.04.110</b>	<b>Limitations on Hospital Wastes.</b>
<b>16.04.060</b>	<b>Requirement for Interceptors.</b>	<b>16.04.120</b>	<b>Fire Precautions.</b>

#### **16.04.010 General Prohibitions on Discharges.**

No Person shall discharge to a Community Sewer or to the Publicly Owned Treatment Works (POTW) any waste or wastewater which causes, threatens to cause, or is capable of causing, alone or by interaction with other substances:

- A. A fire or explosion;
  - B. Obstruction of flow in a sewer system or injury or damage to the POTW;
  - C. Danger to the life or safety of any person;
  - D. A nuisance or prevention of the effective maintenance or operation of all or any portion of the POTW system, through having a strong, unpleasant odor;
  - E. Air pollution by the production or release of toxic or malodorous gases or malodorous gas-producing substances;
  - F. Interference with the wastewater treatment process;
  - G. The agency's effluent or any other product of the treatment process, residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process;
  - H. A detrimental environmental impact or a nuisance in the waters of the State or a condition unacceptable to any public agency having regulatory jurisdiction over the agency;
  - I. Conditions at or near the agency's treatment works which violate any statute or any rule, regulation, or ordinance of any public agency or State or Federal regulatory body, or which cause the agency to violate its NPDES Permit;
  - J. Quantities or rates of flow which overload the agency's collection or treatment facilities, cause excessive agency collection or treatment costs, or use a disproportionate share of the agency facilities;
  - K. Temperature at the treatment works to be greater than 104°F (40°C), impairment or inhibition of biological treatment processes or temperatures of greater than 140°F (60°C) at the point of discharge;
  - L. Ignitability or explosivity, discharges with a closed cup flash point of greater than 140°F using Pensky Martin or Seta Flash closed cup analysis, or discharges with a Lower Explosive Limit of greater than 10% as hexane at any point within the POTW;
  - M. Reactivity of wastes resulting in the release of toxic gases, vapors or fumes within the POTW in a quantity that alone or in conjunction with other discharges may cause worker health and safety problems or a public nuisance;
  - N. Obstruction or increased treatment costs due to the presence of any sand, grit, straw, metal, glass, rags, feathers, tar, plastic, wood, manure, dead animals, offal or any other solid viscous substance which in any way interferes with the proper operation of the POTW;
  - O. Toxicity at the treatment plant or in the collection system due to the presence of toxic or poisonous substances in sufficient quantities to constitute a hazard to humans or animals or to create a hazard at the treatment plant or to injure or interfere with any sewage treatment processes.
- (Ord. 5078, 1998; Ord. 4589, 1989; Ord. 3883 §1, 1977.)

#### **16.04.020 Prohibitions on Storm Drainage and Ground Water.**

Storm water, ground water, rain water, street drainage, sub-surface drainage, roof drains or yard drainage will not be discharged through direct or indirect connections to a Community Sewer unless a permit is issued by the agency. The agency may approve the discharge of such water only when no reasonable alternative method of disposal is available.

If a permit is granted for the discharge of such water into a Community Sewer, the User shall pay the applicable user charges and fees and meet such other conditions as required by the agency. (Ord. 4589, 1989; Ord. 3883 §1, 1977.)

#### **16.04.030 Prohibition on Unpolluted Water.**

A. No person shall discharge or cause to be discharged any storm water, surface water, ground water, subsurface drainage, or any uncontaminated, unseptic, or non-septic cooling water, boiler exhaust, blow-off water, non-septic wash-rack drainage, or uncontaminated and non-septic industrial process water, directly or indirectly, to, on or into a Community Sewer unless a permit has previously been issued therefor by the agency. The agency may approve the discharge of such water only when no reasonable alternative method of disposal is available.

B. If a permit is granted for the discharge of such water into a Community Sewer, the User shall pay the applicable user charges and fees and shall meet such other conditions as required by the agency. (Ord. 5087, 1998; Ord. 4589, 1989; Ord. 3883 §1, 1977.)

#### **16.04.040 Limitations on Radioactive Wastes.**

No person shall discharge or cause to be discharged any radioactive waste into any Community Sewer or POTW. (Ord. 4589, 1989; Ord. 3883 §1, 1977.)

#### **16.04.050 Limitations on the Use of Commercial Garbage Grinders.**

A. Waste from commercial garbage grinders shall not be discharged into a Community Sewer unless the grinder is in existence on the date when this ordinance is enacted and the User agrees to undertake whatever self-monitoring procedures the Public Works Director may reasonably require. These self-monitoring procedures may include but are not limited to all monitoring and pretreatment facilities necessary to determine what charges should be imposed against the User based on Waste Constituents and Characteristics.

B. All garbage grinders must shred waste sufficiently that it will be carried freely under normal flow conditions prevailing in the Community Sewer receiving the discharge. Garbage grinders shall not be used for grinding plastic, paper products, inert materials, or garden refuse. (Ord. 4589, 1989; Ord. 3883 §1, 1977.)

#### **16.04.060 Requirement for Interceptors.**

Grease-and-sand or grease-and-oil interceptors shall be provided at all food establishments, or when the Health Officer of the County or the Director of Public Works determines that they are necessary for the proper handling of liquid waste containing excessive amounts of grease, oil, sand, inflammable waste, or other harmful materials, except where the Public Works Director determines it is infeasible and where another device for intercepting grease is appropriate to maintain compliance with the limits set forth in this Title. No such interceptor shall be required for private dwellings. Grease and sand/oil interceptors shall be installed, utilized and properly maintained in continuous and efficient operation at all times and at the expense of the User. All interceptors shall be of a type, capacity and construction approved in writing by the Public Works Director. Interceptors shall be located so as to be readily and easily accessible for cleaning and inspection and shall be accessible at all times to personnel from the agency and the Health Officer of the County for inspection and sampling. Food establishments which do not have a dishwashing machine or garbage grinder and which show that the discharge does not contribute grease or oil in excess of the limitations of this Title may apply for a variance from the requirement to install an interceptor. (Ord. 4589, 1989)

#### **16.04.070 Requirement for Installation of Sampling Box.**

Except where an acceptable existing sampling point is available, all food establishments shall install a sampling box of a size and type to be specified by the Public Works Director. (Ord. 4589, 1989)

#### **16.04.080 Limitations on Point of Discharge.**

No person shall discharge any substances directly into a manhole or other opening in a Community Sewer other than through an approved Building Sewer, unless upon written application by the User and payment of the applicable user charges and fees, the agency issues a permit for such direct discharges. (Ord. 4589, 1989; Ord. 3883 §1, 1977.)

#### **16.04.090 Holding Tank Waste.**

A User proposing to discharge Holding Tank Waste into a Community Sewer must secure a permit. Unless allowed by the agency under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. This permit will state the specific location of discharge, the time of day the discharge is to occur, the volume of the discharge and the Wastewater Constituents and Characteristics. If a permit is granted for discharge of such waste into a Community Sewer, the User shall pay the applicable user charges and fees and shall meet such other conditions as required by the agency. (Ord. 4589, 1989; Ord. 3883 §1, 1977.)

#### **16.04.100 Local Limitations on Wastewater Strength.**

A. No person shall discharge wastewater containing in excess of:

- 0.27 milligrams per liter (mg/l) arsenic
- 0.09 mg/l cadmium
- 1.1 mg/l copper
- 0.97 mg/l cyanide
- 2.0 mg/l lead
- 0.032 mg/l mercury
- 1.86 mg/l nickel
- 0.59 mg/l silver
- 2.64 mg/l total chromium
- 7.11 mg/l zinc
- 9.37 mg/l selenium
- 0.189 mg/l chlorinated phenolics
- 42.47 mg/l phenolics
- 1.3 micrograms per liter (ug/l) endosulfan
- 0.6 ug/l endrin
- 0.7 ug/l HCH, or
- 0.222 milligrams per liter (mg/l) PCBs.

B. No person shall discharge any wastewater:

1. Containing more than 100 milligrams per liter (mg/l) of oil or grease of animal or vegetable origin;
2. Containing more than 100 milligrams per liter (mg/l) of oil or grease of mineral or petroleum origin;
3. Having a pH lower than 6.0 or higher than 10.0 standard units; or
4. Which meets the definition of hazardous waste under Title 22 of the California Code of Regulations

Article 11 unless written application for such discharge has been approved by the Public Works Director.

C. No user shall increase the use of water or in any other manner dilute a discharge as a partial or complete substitute for any required pretreatment; or attempt to achieve compliance with any national categorical standard, this Title or any Wastewater Discharge Permit by a process that includes dilution of a discharge; or to establish an artificially high flow rate.

D. No person shall discharge wastes containing gasoline, naphtha, petroleum oils or any volatile, inflammable or explosive gas liquid or solid in sufficient quantities or combinations to constitute a hazard to humans or animals, to create a hazard in the POTW or to injure or interfere with any sewage treatment process.

E. Effluent limitations promulgated by the Federal Act shall apply in any instance where they are more stringent than those in this Title. Under Section 307(b) of the Act, Federal pre-treatment standards are designed to achieve two purposes: (1) to protect the operation of publicly owned treatment works; and (2) to prevent the discharge of pollutants which pass through such works inadequately treated. Users in industrial categories subject to effluent guidelines issued under Section 304(b) of the Act, which are discharging incompatible pollutants to publicly owned treatment works, are required to comply with applicable standards as per 40 CFR 403.3(j). Facilities subject to regulation under national pretreatment standards and constructed after the promulgation of relevant federal categorical limits shall be subject to regulation as a New Source. (Ord. 5078, 1998; Ord. 4775, 1992; Ord. 4589, 1989; Ord. 3883 §1, 1977.)



#### **16.04.110 Limitations on Hospital Wastes.**

A. Hospital wastes which are defined as "Infectious Wastes" may be disposed of to the sanitary sewer system subject to the following limitations and requirements:

1. Pathologic specimens may not be disposed of to the sanitary sewer system.
2. The material shall be ground by an approved grinder having the capabilities of meeting or exceeding the following fineness: at least 40% shall pass a No. 8 sieve; at least 65% shall pass a No. 3 sieve; and 100% shall pass a 3/8" screen opening.

3. No discharge of Infectious Waste shall violate any other requirement of these rules and regulations.

B. Disposable hypodermic needles, syringes and associated articles following their use in hospitals, out-patient clinics, medical and dental offices, etc., may be ground and discharged to the sanitary sewer system subject to the same limitations described above.

C. The following shall not be discharged to the sanitary sewer system by any means:

1. Solid wastes generated in the rooms of patients who are isolated because of a suspected or diagnosed communicable disease.
2. Recognizable portions of the human anatomy.
3. Wastes and wastewater, the discharge of which is prohibited by other provisions of this Title, except as specifically permitted in this Section.

D. No hospital within the City limits of Santa Barbara shall dispose of ground Infectious Waste by discharge into the POTW unless it has first obtained a valid Industrial Waste Discharge Permit. Every applicant for this permit shall fill out completely the application form, pay the appropriate fee, receive a copy of the City regulations governing discharge of ground hospital wastes and agree in writing to abide by all regulations governing disposal of Infectious Waste.

E. Nothing in this Section shall be construed to limit the authority of the Health Officer of Santa Barbara County to define wastes as being infectious and, with the concurrence of the Public Works Director of Santa Barbara County, to require that they be discharged to the sewer. (Ord. 4589, 1989; Ord. 3883 §1, 1977.)

#### **16.04.120 Fire Precautions.**

Smoking, open fires, the striking of matches, open flame lamps or lanterns, and electrical equipment and appliances that will generate or produce sparks or fire shall not be permitted in any tunnel, storm drain, sewer or portion thereof where there is or may be an accumulation of inflammable gas in explosive quantities. (Ord. 4589, 1989)

## **Chapter 16.06**

### **WASTEWATER VOLUME DETERMINATION**

#### **Sections:**

**16.06.010 Metered Water Supply.**

**16.06.030 Estimated Wastewater Volume.**

**16.06.020 Metered Wastewater Volume and  
Metered Diversions.**

#### **16.06.010 Metered Water Supply.**

User charges and fees as established by resolution, shall be applied against the total amount of water used from all sources unless, in the opinion of the Agency, significant portions of water received are not discharged to a community sewer. The total amount of water received from public and private sources will be determined by means of public meters or private meters, installed and maintained at the expense of the user and approved by the Agency. (Ord. 3883 §1, 1977.)

#### **16.06.020 Metered Wastewater Volume and Metered Diversions.**

For Users where, in the opinion of the Agency, a significant portion of the water received from any metered source does not flow into the Community Sewer because of the principal activity of the User or removal by other means, the User charges and fees will be applied against the volume of water discharged from such Premises into the Community Sewer. Written notification and proof of the diversion of water must be provided by the User if the User is to avoid the application of the User charges and fees against the total amount of water used from all sources. The User may install a meter of a type and at a location approved by the Agency and at the User's expense. Such meters may measure either the amount of sewage discharged or the amount of water diverted. Such meters shall be tested for accuracy at the expense of the User when deemed necessary by the Public Works Director. (Ord. 4589, 1989; Ord. 3883 §1, 1977.)

#### **16.06.030 Estimated Wastewater Volume.**

a. Users without Source Meters. For users where, in the opinion of the Agency, it is unnecessary or impractical to install meters, the quantity of wastewater may be based upon an estimate prepared by the Agency. This estimate shall be based upon a rational determination of the wastewater discharged and may consider such factors as the number of fixtures, seating capacity, population equivalent, annual production of goods and services or such other determinants of water use necessary to estimate the wastewater volume discharged.

b. Users with Source Meters. For users who, in the opinion of the Agency, divert a significant portion of their flow from a community sewer, the user charges may be based upon an estimate of the volume prepared by the user, provided the user obtains a Wastewater Discharge Permit and pays the applicable user charges and fees. The estimate must include the method and calculations used to determine the wastewater volume and may consider such factors as the number of fixtures, seating capacity, population equivalents, annual production of goods and services, or such other determinations of water use necessary to estimate the wastewater volume discharged. (Ord. 3883 §1, 1977.)

## Chapter 16.08

### ADMINISTRATION

#### Sections:

<b>16.08.010</b>	<b>Discharge Reports.</b>	<b>16.08.060</b>	<b>Protection from Accidental Discharge.</b>
<b>16.08.015</b>	<b>Certification Requirement.</b>	<b>16.08.070</b>	<b>Confidential Information.</b>
<b>16.08.020</b>	<b>Wastewater Discharge Permits.</b>	<b>16.08.075</b>	<b>Users Outside City.</b>
<b>16.08.030</b>	<b>Monitoring Facilities.</b>	<b>16.08.080</b>	<b>Special Agreements.</b>
<b>16.08.040</b>	<b>Inspection and Sampling.</b>		
<b>16.08.050</b>	<b>Pre-Treatment.</b>		

#### **16.08.010 Discharge Reports.**

The Agency may require that any Person discharging or proposing to discharge Wastewater or Infectious Waste into a Community Sewer file a periodic Discharge report. All Users subject to Categorical Pretreatment Standards shall submit baseline monitoring reports, compliance schedule progress reports (where applicable), deadline compliance reports, and continued compliance reports. These reports may include, but not be limited to, nature of process, volume, rates of flow, Mass Emission Rate, production quantities, hours of operation, number and classification of employees, or other information which relates to the generation of Waste including Wastewater Constituents and Characteristics in the Wastewater Discharge. Such reports may also include the chemical constituents and quantity of liquid or gaseous materials stored on site even though they may not normally be discharged. In addition to Discharge reports, the Agency may require information in the form of Wastewater Discharge Permit applications and self-monitoring reports. (Ord. 4589, 1989; Ord. 3883 §1, 1977.)

#### **16.08.015 Certification Requirement.**

All reports shall include the following certification: "I certify under penalty of perjury that this document and all attachments to it were prepared under my direction or supervision and in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the Person or Persons who manage the system or those Persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment for knowing violations." Reports shall be signed by a responsible corporate officer, general partner, or a duly authorized individual as defined in 40 CFR 403.12(l). (Ord. 4589, 1989)

#### **16.08.020 Wastewater Discharge Permits.**

A. Mandatory Permits. All Significant Industrial Users proposing to connect or to discharge into a Community Sewer must obtain an Industrial Wastewater Discharge Permit before connecting to or discharging into a Community Sewer. All existing Significant Industrial Users connected to or discharging into a Community Sewer must obtain an Industrial Wastewater Discharge Permit within ninety (90) days after the effective date of this Title.

B. Optional Permits. The Public Works Director may issue an Industrial Wastewater Discharge Permit to any User, upon application, in accordance with the terms of this Section, for any of the following kinds of Users:

1. A User who has elected that user charges and fees be based on an estimation of Wastewater flow;
2. Any User who has installed or been required to install equipment designed or intended to reduce Wastewater strength;
3. Where the Public Works Director determines that monitoring is required to ensure that Discharges by a particular User comply with all Applicable Regulations.

C. Permit Application. Prospective or existing Users seeking a Wastewater Discharge Permit shall complete and file with the Public Works Director an application in the form prescribed by the Public Works Director, accompanied by the applicable fees. The applicant shall be required to submit, in units and terms appropriate for evaluation, the following information:

1. Name, address, and SIC number of applicant;
2. Volume of Wastewater to be discharged;
3. Wastewater Constituents and Characteristics, including but not limited to those mentioned in Sections 16.04.100 as determined by a laboratory approved by the Agency;
4. Times and duration of all Discharges;
5. Average and 30 minute peak Wastewater flow rates, including daily, monthly and seasonal variations if any;
6. Site plans, floor plans, mechanical and plumbing plans and details showing all Sewers and appurtenances by size, location and elevation;
7. Description of activities, facilities and plant process on the Premises including all materials, processes and types of materials which are or could be discharged to, on or into any Community Sewer and/or the POTW;
8. Each product produced by type, amount and rate of production;
9. Number and type of employees and hours of work;
10. Any other information deemed by the Public Works Director to be necessary to evaluate the permit application.

D. The Public Works Director will evaluate the data furnished by the User and may require additional information. After evaluation and acceptance of the data furnished, the Public Works Director may issue a Wastewater Discharge Permit subject to terms and conditions provided herein.

E. Permit Conditions. Wastewater Discharge Permits shall be subject to all Applicable Regulations, User charges and fees established by the Agency. The conditions of Wastewater Discharge Permits shall be uniformly enforced by the Public Works Director in accordance with all Applicable Regulations. Wastewater Discharge Permits may contain the following:

1. The average and maximum Wastewater Constituents and Characteristics;
2. Limits on rate and time of Discharge or requirements for flow regulations and equalization;
3. Requirements for installation of inspection and sampling facilities;
4. Pre-treatment requirements;
5. Specifications for monitoring programs including but not limited to any or all of sampling locations; frequency and method of sampling; number, types and standards for tests; and reporting schedule;
6. Requirements for submission of technical reports or Discharge reports;
7. Requirements for maintaining plant records relating to Wastewater Discharge as specified by the Agency, and affording Agency access thereto;
8. Mean and maximum Mass Emission Rates; and
9. Other conditions deemed appropriate by the Public Works Director to ensure compliance with all Applicable Regulations.

F. Duration of Permits. Permits shall be issued for a specified time period, not to exceed five (5) consecutive years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. If the User is not notified by the Agency thirty (30) days prior to the expiration of his, her or its permit, the permit shall be extended one (1) additional year. The terms and conditions of the permit may be subject to modification and change by the Public Works Director during the life of the permit as limitations or requirements as identified in Section 16.04.100 are modified and changed. The User shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

G. Permit Fees. Wastewater Discharge permit fees shall be set by a resolution of the City Council and shall reflect the costs of administering the permit.

H. Transfer of a Permit. Wastewater Discharge Permits are issued to a specific User for a specific operation. A Wastewater Discharge Permit shall not be reassigned, transferred or sold to a new or different owner, User, or Premises, or a to new or changed operation at or on any permitted or previously permitted Premises.

I. Revocation of Permit. Any User who violates the following conditions of the permit or of this Title, or applicable State and Federal regulations, is subject to having his permit revoked:

1. Failure of a User to factually report the Wastewater Constituents and Characteristics of his Discharge;
2. Failure of the User to report significant changes in operations, or Wastewater Constituents and Characteristics;
3. Refusal of reasonable access to the User's Premises for the purpose of inspection or monitoring; or,
4. Violation of conditions of the permit. (Ord. 4589, 1989; Ord. 3883 §1, 1977.)

#### **16.08.030 Monitoring Facilities.**

A. The Director of Public Works shall require the User to construct, at his, her or its own expense, monitoring facilities adequate to allow inspection and sampling of the Sewer or internal drainage systems at, upon or in the User's Premises. The Director may also require the construction of flow measurement facilities and sampling or metering equipment, which facilities and equipment shall be provided, installed, and operated at the User's expense. The monitoring facility should normally be situated on the User's Premises, but the Director may, when such a location would be impractical or would cause undue hardship on the User, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles; provided, however, that the User shall be required to comply with all applicable encroachment and other land use requirements.

B. If the monitoring facility is inside or on the User's Premises, there shall be accommodations to allow access for Agency personnel, such as a gate secured with any Agency lock. There shall be ample room in or near any facility to allow accurate sampling and compositing of samples for analysis. The monitoring facility, including any and all measuring equipment, shall be maintained at all times in a safe and proper operating condition and at the expense of the User.

C. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Agency's requirements and all applicable construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the Agency; unless a time extension is otherwise granted by the Agency. (Ord. 4589, 1989; Ord. 3883 §1, 1977.)

#### **16.08.040 Inspection and Sampling.**

A. As a condition of any Wastewater Discharge Permit issued to a User, whether or not expressly provided in the Permit, the Public Works Director shall have the right to enter and inspect the User's Premises for the purpose of determining whether the User is complying with all Applicable Regulations and the conditions of his, her or its Permit and for the purpose of performing any duties provided in this Title. After giving reasonable prior notice to any User who does not hold a current Wastewater Discharge Permit issued by the Agency, the Public Works Director may enter and inspect the User's Premises for the purpose of determining whether the User is in compliance with all Applicable Regulations and whether the User is required to obtain a Wastewater Discharge Permit, and for the purpose of performing any duties provided in this Title.

B. Subject to Subsection A of this Section, every User shall allow the Public Works Director ready access at all reasonable times to all parts of the User's Premises.

C. Every User shall at all times keep and maintain accurate, current and legible records which show the following:

1. The time, place, quantity, and Wastewater Constituents and Characteristics of all Discharges on or from any Premises under his, her or its control; and
2. For any sampling required to be taken pursuant to this Title:
  - a. The date and the exact place, method, and time of sampling;
  - b. The name or names of the persons taking the samples;
  - c. The date or dates that all analyses of the samples were performed;
  - d. Who performed the analyses; and
  - e. The results of all analyses.

D. All records required to be kept and maintained pursuant to Subsection C of this Section shall be maintained by the User for a period of not less than three (3) years after the date of creation of the record. This period of retention shall be extended during the course and for the duration of any unresolved litigation regarding Discharges by the User or when requested by the Director or Regional Administrator of the EPA or the Public Works Director.

E. All records required to be kept and maintained pursuant to this Section shall upon request by the Director or Regional Administrator of the EPA or the Public Works Director be made available to them for inspection and copying.

F. Upon reasonable notice to a User, the Agency shall have the right to set up on the User's Premises such devices as are necessary to conduct sampling or metering operations. Where a User has security measures in force which would require proper identification and clearance before entry into the User's Premises, the User shall make necessary arrangements with its security guards so that upon presentation of suitable identification, personnel from the Agency will be permitted to enter without delay for the purposes of performing their specific responsibilities. (Ord. 4589, 1989; Ord. 3883 §1, 1977.)

#### **16.08.050 Pre-Treatment.**

Users shall make Wastewater acceptable under the limitations established herein before discharging to any Community Sewer. Any facilities required to pre-treat Wastewater to a level acceptable to the Agency shall at all times be provided and maintained in a working condition and at the User's expense. Prior to construction of any facility subject to regulation under the provisions of this Title, detailed plans showing pre-treatment facilities and operating procedures shall be submitted to the Director of Public Works for review, and shall be acceptable to the Agency before construction of the facility. The review of such plans and operating procedures will in no way relieve the User of responsibility for modifying the facility as necessary to produce an effluent acceptable to the Agency under the provisions of this Title. Any subsequent changes in the pre-treatment facilities or operation thereof shall be reported to and approved by the Public Works Director prior to implementation. (Ord. 4589, 1989; Ord. 3883 §1, 1977.)

#### **16.08.060 Protection from Accidental Discharge.**

A. Each User shall provide protection from accidental discharge of prohibited materials or other Wastes regulated by this Title. Such facilities shall be provided and maintained at the User's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Agency for review, and shall be acceptable to the Agency before construction of the facility.

B. The review of such plans and operating procedures will in no way relieve the User from the responsibility of modifying the facility as necessary to provide the protection necessary to meet the requirements of this Section. (Ord. 4589, 1989; Ord. 3883 §1, 1977.)

#### **16.08.070 Confidential Information.**

A. All information and data on a User obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agencies without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of the Agency that the release of such information would divulge information, processes or methods which would be detrimental to the User's competitive position.

B. When requested by the Person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available to governmental agencies for use in making studies; provided, however, that such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the Person furnishing the report. Wastewater Constituents and Characteristics will not be recognized as confidential information. (Ord. 4589, 1989; Ord. 3883 §1, 1977.)

#### **16.08.075 Users Outside City.**

The provisions of the Title shall apply to all Users who discharge Wastewater to, on or into any Community Sewer or the POTW from Premises located outside the City limits. (Ord. 4589, 1989)

#### **16.08.080 Special Agreements.**

Special agreements and arrangements between the Agency and any Persons or agencies may be established when in the opinion of the Director of Public Works unusual or extraordinary circumstances compel special terms and conditions. However, in no instance shall special agreements relieve a User from compliance with categorical pretreatment limits or the national pretreatment regulations found at 40 CFR 403. (Ord. 4589, 1989; Ord. 3883 §1, 1977.)

## **Chapter 16.10**

### **DETERMINATIONS AND CHARGES**

#### **Sections:**

**16.10.010 Determination of Components.**

**16.10.020 Tests, Etc., of Sewage Waste Characteristics.**

**16.10.030 Wastewater Pretreatment Permit and Resample Fees.**

#### **16.10.010 Determination of Components.**

In order to ensure compliance with the limitations on Wastewater strength outlined in Section 16.04.100, a determination of components contained in sewage, liquid Waste and industrial Waste discharges will be conducted by the Agency. Monitoring will be performed by means of a sampling device approved by the Public Works Director. Sampling and laboratory work performed by the Agency for monitoring will be at the expense of the Wastewater discharger as described in Section 16.10.030. (Ord. 4589, 1989; Ord. 4286, 1984; Ord. 3883 Section 1, 1977.)

#### **16.10.020 Tests, Etc., of Sewage Waste Characteristics.**

Tests, measurements and analyses of the characteristics of sewage Waste shall be conducted in accordance with 40 CFR Part 136, including any amendments thereto, and shall be made or determined at the site of the Discharge or upon suitable samples taken from the Discharge. (Ord. 4589, 1989.)

#### **16.10.030 Wastewater Pretreatment Permit and Resample Fees.**

A. Users required to obtain a Wastewater Discharge Permit shall pay annually to the Agency a permit fee in an amount sufficient to defray the cost to the Agency of routine sampling and inspection activities and permit administration. If, as a result of any violation by a User of this Title, the Public Works Director determines that it is necessary or required that the Agency conduct resampling of the User's Discharges, the User shall for each such violation pay to the Agency a resampling fee. The resampling fee shall be in an amount sufficient to defray the average cost of resampling. The amounts of permit and resampling fees shall be set annually by resolution of the Agency.

B. Nighttime Discharges. If a User elects or is required by the Agency to discharge the peak rates of Wastewater flow during the nighttime hours between 10:00 p.m. and 8:00 a.m., the flow discharge shall be made approximately uniform during these 10 nighttime hours. If these nighttime Discharges would adversely affect Agency Wastewater treatment operations, the Public Works Director may condition or prohibit them. (Ord. 4589, 1989; Ord. 4286, 1984; Ord. 3883 Section 1, 1977.)

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## Chapter 16.12

### ENFORCEMENT

#### Sections:

**16.12.010 Non-Complying Discharges.**

**16.12.020 Issuance of Cease and Desist Orders.**

**16.12.030 Submission of Time Schedule.**

**16.12.040 Appeals.**

#### **16.12.010 Non-Complying Discharges.**

A. Notification of Discharge. Any User who causes or permits a Discharge which violates any Applicable Regulation or the User's Wastewater Discharge Permit, if any, shall immediately notify the Public Works Director. Provision by the User of this notification shall not relieve the User of liability for any expense, loss or damage to any Community Sewer or the POTW which occurs, directly or indirectly, as a result of the Discharge. Nor shall provision of this notification relieve the User of liability for any expense, fee or fine incurred by the Agency as a result of the Discharge. Not later than fourteen (14) days after the Discharge, the User shall deliver to the Public Works Director a detailed written statement describing the cause(s) of the Discharge and the measures taken and/or to be taken to prevent similar Discharges.

B. Notices to Employees. Each User shall make available to its employees, if any, current copies of this Title and all other information or notices sent to the User by the Agency, which information and notices describe or discuss effective water pollution control.

C. Preventive Measures. Each User shall eliminate any direct or indirect connection or entry point in the plumbing and/or drainage system on the User's Premises if the connection or entry point can or does allow any Incompatible Pollutant to enter a Community Sewer. Where it would be impracticable or unreasonable to eliminate this kind of connection or entry point, the User shall label these connections and entry points in a manner designed to prevent Persons from causing Incompatible Pollutants to enter the Sewer. (Ord. 4589, 1989; Ord. 3883 §1, 1977.)

#### **16.12.020 Issuance of Cease and Desist Orders.**

When the Agency finds that a discharge of Wastewater has taken place, in violation of prohibitions or limitations of this Title, federal categorical pretreatment limits, the provisions of a Wastewater Discharge Permit, or other Applicable Regulations, the Public Works Director may issue an order to cease and desist and direct that those Persons not complying with such prohibitions, limits, requirements, or provisions:

- (1) Comply forthwith;
- (2) Comply in accordance with a time schedule set forth by the Agency; or
- (3) Take appropriate remedial or preventive action in the event of a threatened violation. (Ord. 4589, 1989; Ord. 3883 §1, 1977.)

#### **16.12.030 Submission of Time Schedule.**

When the Agency finds that a discharge of Wastewater has been taking place, in violation of prohibitions or limitations prescribed in this Title, or Wastewater source control requirements, effluent limitations or pre-treatment standards, or the provisions of a Wastewater Discharge Permit, the Agency may require the User to submit for approval, with such modifications as it deems necessary, a detailed time schedule of specific actions which the User shall take in order to prevent or correct a violation of requirements.

If the Public Works Director determines that a Discharge has occurred or is occurring and that the Discharge violates any Applicable Regulation or Wastewater Discharge Permit, the Director may require the Person who caused or permitted the Discharge to submit to the Director a detailed time schedule of specific actions which the Person shall take in order to prevent or correct any violation of any Applicable Regulation or Wastewater Discharge Permit. (Ord. 4589, 1989; Ord. 3883 §1, 1977.)

#### **16.12.040 Appeals.**

A. Any User, permit applicant, or permit holder affected by any decision, action or determination, including the assessment of fines and civil penalties, Cease and Desist Orders, and other administrative remedies, made by the Public Works Director, interpreting or implementing the provisions of this Title or in any permit issued herein, may file with the Public Works Director a written request for reconsideration within fifteen (15) calendar days of such decision, action, or determination, setting forth in detail the facts supporting the User's request for reconsideration.

B. The decision, action or determination of the Public Works Director shall remain in effect during such period of reconsideration and during the period of any appeal or judicial review under the provisions of this Code.

C. A decision, action or determination of the Public Works Director, after reconsideration is determined or denied, may be appealed to the City Council under the provisions of Chapter 1.30 of this Code, except that, as to decisions to assess a civil penalty, the shorter time limit for judicial review that is to be found in California Government Code Section 54740.6, and amendments hereafter adopted to Section 54740.6, shall prevail, to the extent allowed by law. (Ord. 5078, 1998; Ord. 4589, 1989; Ord. 3883 §1, 1977.)

## Chapter 16.14

### ABATEMENT

#### Sections:

<b>16.14.010</b>	<b>Public Nuisance.</b>	<b>16.14.034</b>	<b>Administrative Penalties.</b>
<b>16.14.020</b>	<b>Injunction.</b>	<b>16.14.040</b>	<b>Civil Penalties.</b>
<b>16.14.030</b>	<b>Damage to Facilities.</b>	<b>16.14.050</b>	<b>Criminal Penalties.</b>
<b>16.14.032</b>	<b>Published Notices of Significant Violators.</b>	<b>16.14.060</b>	<b>Falsifying of Information.</b>
		<b>16.14.070</b>	<b>Termination of Service.</b>

#### **16.14.010 Public Nuisance.**

Discharges of wastewater which in any way violate this Title or any permit or order issued by the Public Works Director pursuant to this Title are hereby declared a public nuisance and shall be corrected or abated as directed by the Public Works Director. (Ord. 4589, 1989; Ord. 3883 §1, 1977.)

#### **16.14.020 Injunction.**

Whenever a discharge violates any Applicable Regulation or Wastewater Discharge Permit or otherwise causes or threatens to cause a condition of contamination, pollution or nuisance, the agency may petition the Superior Court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate, for the purpose of preventing or restraining the continuance or renewal of such discharge. (Ord. 4589, 1989; Ord. 3883 §1, 1977.)

#### **16.14.030 Damage to Facilities.**

When a User causes a discharge of wastes which obstructs, damages or impairs the POTW or a Community Sewer, the agency may assess a charge against the User for the work required to clean or repair the facility and add such charge to the User's sewer service charges. (Ord. 4589, 1989; Ord. 3883 §1, 1977.)

#### **16.14.032 Published Notices of Significant Violators.**

On or before January 30 of each calendar year, and in accordance with the requirements of federal law, the agency shall cause to be published a list of the names of all persons who during the preceding year have caused or committed any significant violation of any federal categorical pretreatment standards or provisions of this Title. The list shall be published in the newspaper having the largest daily circulation in the agency's service area. (Ord. 4589, 1989.)

#### **16.14.034 Administrative Penalties.**

Any provision of this Title 16 may be enforced by the Public Works Director acting through use of administrative procedures and imposing administrative civil penalties for violations, as follows:

A. The Public Works Director may determine violations of this Title 16 by administrative hearing, and, based upon the results of that hearing, order administrative civil penalty(ies) to be assessed against the party responsible for the violation, in accord with the provisions of this Title 16.

B. In addition to general enforcement through administrative civil penalties as authorized in 16.14.034A, the Public Works Director is designated to be the hearing officer for administrative enforcement authorized pursuant to California Government Code Sections 54739 through 54740.6.

C. Hearing, waiver of hearing, orders, reconsideration, appeal to the City Council, judicial review, delinquencies, lien, and confirmation regarding administrative remedies under 16.14.034A & B shall be as provided in California Government Code Sections 54740.5, 54740.6 and amendments hereafter adopted to Sections 54740.5 and 54740.6 and in Section 16.12.040 of this Code.

D. Remedies under this Section are in addition to, and do not supersede or limit the use of, any and all other remedies, civil or criminal, available under this Title 16 and under the statutes and regulations of the State of California or the United States of America.

E. Administrative remedies, fines and other civil penalties imposed pursuant to the provisions of this Title 16 may, at the sole discretion of the Public Works Director, be added to and collected with the applicable user's sewer service charges. (Ord. 5078, 1998; Ord. 4775, 1992; Ord. 4589, 1989.)

#### **16.14.040 Civil Penalties.**

Any Person who violates any provision of this Title or permit condition, or who discharges wastewater which causes pollution or violates any cease and desist order, prohibition, effluent limitation, national standard of performance, or pretreatment or toxicity standard shall be liable civilly to a penalty of not more than \$10,000.00 per violation per day, or an amount equal to the damages caused by the violation, whichever is greater. The attorney of the agency, upon order of the agency's governing body, shall petition the Superior Court to impose, assess and recover such sums. (Ord. 4775, 1992; Ord. 4589, 1989; Ord. 3883 §1, 1977.)

#### **16.14.050 Criminal Penalties.**

A. Any person who intentionally or negligently violates any provision of this Title or permit condition or who discharges wastewater which causes pollution or who violates any Cease and Desist Order, prohibition, effluent limitation, national standard pre-treatment or toxicity standard shall be liable to a sum not less than \$1,000 per violation per day and not to exceed \$25,000.00 for each day in which such violation occurs, or to imprisonment for not more than one (1) year in the County jail, or both.

B. If the conviction is for a violation committed after the first conviction of such person, punishment shall be by a fine of not less than \$2,000 per violation per day and not more than \$50,000.00 for each day in which such violation occurs, or by imprisonment for not more than two (2) years in the County Jail, or both. The attorney of the agency, upon order of the agency's governing body, shall petition the Superior Court to impose, assess and recover such sums. (Ord. 4589, 1989; Ord. 3883 §1, 1977.)

#### **16.14.060 Falsifying of Information.**

Any person who makes or files, or causes to be made or filed, any statement, representation, record, report, plan or other document which is false and which is required to be made or filed pursuant to any Applicable Regulation or Wastewater Discharge Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device, sampling or method required under this Title, shall be punished by a fine of not less than \$1,000 but not more than \$10,000.00 or by imprisonment in the County jail for not more than six (6) months, or by both. The attorney of the agency, upon order of the agency's governing body, shall petition the Superior Court to impose, assess and recover such sums. (Ord. 4589, 1989; Ord. 3883 §1, 1977.)

#### **16.14.070 Termination of Service.**

The agency may revoke any Wastewater Discharge Permit, or terminate or cause to be terminated wastewater service to any premises, if a violation of any provisions of this Title is found to exist or if a discharge of wastewater causes or threatens to cause a condition of contamination, pollution, or nuisance. This provision is in addition to other statutes, rules or regulations authorizing termination of service for delinquency in payment. (Ord. 4589, 1989; Ord. 3883 §1, 1977.)

### **Chapter 16.15**

#### **Urban Pollution Controls Non-Point Source Discharge Restrictions**

##### **Sections:**

**16.15.010 Water Pollution Prohibited.**

**16.15.030 Discharges Which are Exempt from Prohibition.**

**16.15.100 Discharge of Hazardous Substances Prohibited.**

#### **16.15.010 Water Pollution Prohibited**

No person, who does not possess a current and valid permit or agreement for the discharge, shall throw, discharge or otherwise deposit or place or cause or permit to be placed into the waters of the state or into any drain, drop inlet, conduit, or natural or artificial watercourse flowing into any storm drain, creek, lagoon or other waters of the state, any waste, infectious waste, contamination or pollution or other substance which impairs the quality of the drainage, including without limitation:

A. any pollution or contamination or any substance, matter, or thing, liquid, solid or gas, which materially impairs the esthetics or usefulness of such water, except as may be provided for in this Chapter;

- B. any commercial or industrial waste, including, without limitation, any fuel, solvent, detergent, plastic pieces or other pellets, hazardous substances, fertilizers, pesticides, slag, ash, or sludge;
- C. any measurable quantity of heavy metals including without limitation, any cadmium, lead, zinc, copper, silver, nickel, mercury or chromium, or the elements of phosphorous, arsenic, or nitrogen;
- D. any animal feces, any animal waste or animal discharge from confinement facilities for animals, kennel, coup, pen, stable, or recreational or show facilities;
- E. any human feces, diseased matter or matter containing significant concentrations of fecal coliform, fecal streptococcus, or enterococcus;
- F. any substance having a pH of less than 6 or greater than 9;
- G. any quantity of petroleum hydrocarbons, including without limitation, any crude oil or any fraction thereof, hydrocarbon fuel, solvent, lubricants, surfactants, waste oil, coolant, or grease;
- H. any water or other solvent or substance used for commercial or industrial processing; for commercial washing of automobiles or parts of automobiles; for cleaning industrial or commercial operations or premises; for cleaning debris, waste or residue collectors; for cleaning carpets, pads, flooring or walkways; or for cleaning construction, pavement, concrete, paint or plaster;
- I. any residue or collection from portable toilets or water softeners;
- J. any water or other solvent or substance collected after the use of the substance to clean, cleanse, flush, rinse or otherwise treat any commercial or industrial premises, process or equipment, or food production;
- K. any water for swimming pools, spas or Jacuzzis; or
- L. any economic poison, toxic or hazardous material.

Any permit for such discharge must be approved by the City of Santa Barbara Public Works Director, or a California State official or U.S. Government Official having jurisdiction over such discharge. (Ord. 5087, 1998.)

#### **16.15.030 Discharges Which are Exempt from Prohibition.**

The following discharges are exempt from the prohibitions of Section 16.15.010:

- A. Uncontaminated discharges from landscape irrigation;
  - B. Uncontaminated discharges from water line flushing;
  - C. Uncontaminated discharges from potable water sources;
  - D. Uncontaminated discharges from foundation drains;
  - E. Uncontaminated discharges from footing drains;
  - F. Uncontaminated discharges from air conditioning condensate;
  - G. Uncontaminated discharges from irrigation water;
  - H. Uncontaminated discharges from lawn watering;
  - I. Uncontaminated discharges from crawl space pumps;
  - J. Uncontaminated discharges from individual residential automobile washing; and
  - K. Uncontaminated discharges from street washing, including sidewalk washing.
- (Ord. 5087, 1998.)

#### **16.15.100 Discharge of Hazardous Substances Prohibited.**

No person shall throw discharge or otherwise deposit or cause or permit to be placed into the waters of the state or into any drain, drop inlet, conduit, or natural or artificial watercourse flowing into any storm drain, creek, lagoon or other waters of the State, any quantity of hazardous substance as included or defined in California Health and Safety Code §25316, without a permit or agreement approved by the Public Works Director, a California State official or U.S. Government Official having jurisdiction over the discharge. (Ord. 5087, 1998.)

## **Chapter 16.16**

### **SEVERABILITY**

#### **Section:**

#### **16.16.010 Severability.**

#### **16.16.010 Severability.**

If any provision of these regulations or the application to any person or circumstances is held invalid, the remainder of the regulations or the application of such provisions to other persons or other circumstances shall not be affected. (Ord. 3883 §1, 1977.)